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DE RUEHSB #0585/01 1951519
ZNR UUUUU ZZH
O 141519Z JUL 09
FM AMEMBASSY HARARE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4719
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHAR/AMEMBASSY ACCRA 2947
RUEHDS/AMEMBASSY ADDIS ABABA 3064
RUEHRL/AMEMBASSY BERLIN 1493
RUEHBY/AMEMBASSY CANBERRA 2327
RUEHDK/AMEMBASSY DAKAR 2694
RUEHKM/AMEMBASSY KAMPALA 3112
RUEHNR/AMEMBASSY NAIROBI 5555
RUEAIIA/CIA WASHDC
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK
RHMFISS/EUCOM POLAD VAIHINGEN GE
RHEFDIA/DIA WASHDC
RUEHGV/USMISSION GENEVA 2242
RHEHAAA/NSC WASHDC

UNCLAS SECTION 01 OF 02 HARARE 000585

SENSITIVE
SIPDIS

AF/S FOR B. WALCH
DRL FOR N. WILETT
ADDIS ABABA FOR USAU
ADDIS ABABA FOR ACSS
STATE PASS TO USAID FOR J. HARMON AND L. DOBBINS
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR MICHELLE GAVIN

E.O. 12958: N/A
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [ZI](#)
SUBJECT: POLITICALLY-MOTIVATED PROSECUTIONS OF MDC-T
OFFICIALS CONTINUE

SUMMARY

[1](#)1. (SBU) Three MDC parliamentarians have recently been convicted of criminal charges and sentenced, while two others await trial. The MDC believes this is an orchestrated effort by ZANU-PF to disrupt the MDC party and reduce its strength in Parliament. END SUMMARY.

ZANU-PF Targeting MDC-T Parliamentarians

[1](#)2. (SBU) Zimbabwean courts recently convicted three MDC MPs who won election in March 2008 in Manicaland Province in Eastern Zimbabwe. Historically, Manicaland had been dominated by ZANU-PF, but in the 2008 elections only 7 of 26 total seats in the province went to ZANU-PF. Shua Mudiwa (Mutare West) was convicted in June on kidnapping charges and was sentenced to seven years. Mudiwa had defeated the incumbent MP Chris Mushohwe who was subsequently appointed as governor in Manicaland. Mathias Mlambo (Chipinge East) was convicted in May of public violence charges and received a ten month sentence, and Meki Makuyana (Chipinge South) was sentenced in July to 12 months on kidnapping charges. Both Makuyana and Mlambo were sentenced by the same magistrate, Samuel Zuze. Two other MPs in the party are facing charges in which a life sentence is applicable: Blessing Chebundo (Kwekwe in Midlands Province) is charged with rape and Trevor Saruwaka (Mutasa Central in Manicaland Province) is charged with rape and political violence.

[1](#)3. (SBU) The MDC-T is suspicious that these prosecutions are part of a plot to reverse its slim lead in Zimbabwe's House of Assembly through arrests and convictions. However, parliamentary advisor Israel Chilimanzi explained that MPs retain all their official authorities and functions --including the capacity to vote-- while a conviction is

under appeal. These MPs would only have to vacate their seats if they received sentences of greater than six months and subsequently lost their appeals.

14. (SBU) The three convicted MPs are all appealing their sentences. According to the Global Political Agreement signed last September, in the event of a by-election to fill a vacant seat within one year of the GPA signing (i.e. before September 15 2009), candidates from the other two political parties that are signatory to the agreement (ZANU-PF and MDC-M) would not contest. After September 15, any party can field a candidate for a vacated seat. Therefore, if the convicted MPs win their appeals, they will retain their seats, but if they lose the appeals ZANU-PF will be able to field candidates in by-elections.

Other MDC-T Officials Facing Charges

15. (SBU) Other high profile MDC-T officials who still face charges include Deputy Minister of Agriculture-designate Roy Bennett, and Director General Toendepi Shonhe. The State lost a High Court ruling dismissing terrorism and banditry charges against Bennett, but has refused to drop the case. Shonhe was charged with perjury after he stated that three MDC activists had been re-abducted by State agents. Also, there are inactive cases against Minister of Finance Tendai Biti and Minister of Constitutional and Parliamentary Affairs Eric Matinenga. Numerous other senior MDC-T officials have

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been acquitted of spurious charges in the past several years.

COMMENT

16. (SBU) The MDC believes the prosecution and conviction of its MPs is part of an orchestrated ZANU-PF campaign to overturn the combined (MDC-T and MDC-M) majority in the House of Assembly. To achieve this goal, however, ZANU-PF will have to continue prosecuting MDC members. After the March elections, MDC-T had 100 parliamentarians, MDC-M had 10, and ZANU-PF had 99. (There is one independent). Three ZANU-PF parliamentarians have died. Even with the loss of the three convicted parliamentarians, the MDC would still have a majority since 8 of the 10 MDC-M parliamentarians are solidly with MDC-T.

DHANANI